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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 185**

**The Renewables Obligation (Scotland) Order 2005**

**SROCs**

4.—(1) The Authority shall establish and maintain a register of SROCs (“the Register”) which shall be conclusive as to whether or not a SROC subsists and as to the person who is for the time being its registered holder.

(2) Schedule 2 shall have effect with respect to the Register.

(3) A SROC comprises a Register entry of its particulars and shall be regarded as being issued at the point when those particulars are entered in the Register by the Authority.

(4) In accordance with the provisions of Schedule 2, the Authority shall ensure that the Register contains, by way of entries made in it—

- (a) an accurate record of the particulars of each SROC as issued by the Authority (amended to reflect any change of registered holder which may occur) and which remains eligible to be produced as evidence pursuant to article 3 or article 9; and
- (b) in addition to the record of the particulars of each SROC, a list of the names of all persons who are either the registered holder of a SROC or, although not at that time the registered holder of a SROC, have notified the Authority that they wish an entry to be made and maintained in respect of them as prospective registered holders of SROCs.

(5) Only the registered holder of a SROC may use it as the evidence or as part of the evidence required from the registered holder under article 3(1) and a SROC may not be used by its registered holder or by any other person as the evidence or as part of the evidence required under article 3(1) from any person other than the registered holder.

(6) The Authority shall not issue a SROC—

- (a) in respect of any electricity generated by a particular generating station in a particular month if it has previously issued a certificate under section 32B of the Act in respect of any such electricity other than under this Order and whether or not any such certificate previously issued has been revoked; or
- (b) certifying the matters within section 32B(2A) of the Act, where the Northern Ireland Authority has notified the Authority that it is not satisfied that the electricity in question has been supplied to customers in Northern Ireland.

(7) Except as provided in paragraph (8), SROCs (other than replacement SROCs) shall be issued by the Authority to the operator of a generating station by which the relevant electricity was generated in a particular month where the Authority is satisfied that each of the relevant criteria in paragraph (10) is met.

(8) Where electricity is required to be generated by a generating station from eligible renewable sources under a qualifying arrangement or in compliance with such an arrangement to be made available to the nominated person (“the relevant output”), SROCs (other than replacement SROCs) appropriate to the amount of the relevant output generated in a particular month shall be issued by the Authority where it is satisfied that each of the relevant criteria in paragraph (10) is met—

- (a) where the nominated person is entitled to the relevant output under or in compliance with a qualifying arrangement only to electricity suppliers notified to the Authority by the

nominated person as being purchasers of the relevant output and to each in such quantities as are appropriate to the amount of the relevant output which the nominated person notifies the Authority each has purchased (subject to the total amount of SROCs available to be so issued); or

- (b) where one or more electricity suppliers are entitled to the relevant output under a qualifying arrangement only to those electricity suppliers, each in proportion to its entitlement.
- (9) The Authority shall when issuing SROCs (other than replacement SROCs which shall be issued in accordance with articles 5(3)(b) and 5(4))–
- (a) allocate a number (“the SROC sequence number”) to each SROC issued;
  - (b) allocate SROC sequence numbers sequentially in ascending numerical order to all the SROCs issued in respect of electricity generated from eligible renewable sources by a particular generating station in a particular month;
  - (c) in the case of a generating station which in a particular month generates electricity from eligible renewable sources under or in compliance with a qualifying arrangement, issue SROCs in respect of that month firstly to the electricity suppliers to whom paragraph (8)(a) or (8)(b) applies in that month on the basis of information provided to it by the nominated person and thereafter, in the event that the generating station generates any electricity from eligible renewable sources in that month other than under a qualifying arrangement or which in that month is not required in compliance with such an arrangement to be made available to the nominated person, to the operator of that generating station.
- (10) The criteria referred to in paragraphs (7) and (8) and in article 5(3) are–
- (a) the Authority has previously confirmed in writing to the operator of the generating station to which the SROC relates that the generating station is accredited as being a generating station capable of generating electricity from eligible renewable sources and the Authority has not since withdrawn that accreditation;
  - (b) the Authority has been provided in writing with all the information listed in paragraphs 2(b)(i) to (iii) of Schedule 2 together with any other information which it reasonably requires in order to assess whether the SROC should be issued and it is satisfied that such information is accurate and reliable;
  - (c) the operator of the generating station has provided the Authority with a declaration (which the Authority shall be entitled to accept as sufficient evidence of its contents) applicable to the relevant electricity that–
    - (i) the operator has not made the electricity available to any person in circumstances such that the operator knows or has reason to believe that the consumption of the electricity has resulted in it not having been supplied by an electricity supplier to customers in Great Britain (or, in the case of a SROC certifying the matters within section 32B(2A) of the Act, by a Northern Ireland supplier to customers in Northern Ireland);
    - (ii) the operator has not consumed the electricity itself in such circumstances that its consumption has resulted in the electricity not having been supplied by an electricity supplier to customers in Great Britain (or, in the case of a SROC certifying the matters within section 32B(2A) of the Act, by a Northern Ireland supplier to customers in Northern Ireland); and
    - (iii) the operator is not a person mentioned in article 11(3)(b)(ii) or article 11(13)(b)(ii);
  - (d) where the electricity has been generated on land in Northern Ireland and supplied to customers in Great Britain, the operator of the generating station has provided the Authority with evidence of the following matters and the Authority is satisfied with such evidence–

- (i) the quantity, date and period of time (referred to in this sub-paragraph as “the relevant period”) during the particular month when the electricity from eligible renewable sources was generated by the generating station;
  - (ii) that such electricity was delivered by means of a transmission and distribution network in Northern Ireland from the generating station to an interconnector between Great Britain and Northern Ireland during each relevant period;
  - (iii) that such electricity flowed across such interconnector to Great Britain during each relevant period;
  - (iv) that no electricity flowed or was claimed by a user of the interconnector or the interconnector operator to have flowed across such interconnector in the opposite direction during each relevant period; and
  - (v) that such interconnector was capable of conveying such quantity of electricity (together with any other electricity which was contracted to be conveyed) during each relevant period;
- (e) where the electricity was not generated on land in Great Britain or in Northern Ireland and was supplied to customers in Great Britain, the operator of the generating station has provided the Authority with evidence of the matters listed in either paragraph (10)(e)(i) or (ii) and the Authority is satisfied with such evidence—
- (i) that at the time the electricity was generated the generating station was connected directly to a transmission and distribution network in Great Britain and electricity generated by that generating station could not have been conveyed to Great Britain via an interconnector; or
  - (ii) that at the time the electricity was generated the generating station was connected directly to a transmission and distribution network in Northern Ireland that it was not connected directly to any other transmission and distribution network and of those matters listed in paragraphs (10)(d)(i) to (v);
- (f) in the case of a SROC certifying the matters within section 32B(2A) of the Act and which relates to electricity which was generated by a generating station which, at the time the electricity was generated, was not directly and exclusively connected to a transmission or distribution network in Northern Ireland, the operator of the generating station has provided the Authority with evidence of the following matters and the Authority is satisfied with such evidence—
- (i) the quantity, date and period of time (referred to in this sub-paragraph as “the relevant period”) during the particular month when the electricity from eligible renewable sources was generated by the generating station;
  - (ii) that such electricity was delivered by means of a transmission and distribution network in Great Britain from the generating station to an interconnector between Great Britain and Northern Ireland during each relevant period;
  - (iii) that such electricity flowed across such interconnector to Northern Ireland during each relevant period;
  - (iv) that no electricity flowed or was claimed by a user of the interconnector or the interconnector operator to have flowed across such interconnector in the opposite direction during each relevant period; and
  - (v) that such interconnector was capable of conveying such quantity of electricity (together with any other electricity which was contracted to be conveyed) during each relevant period;
- (g) in the case of a SROC certifying the matters within section 32B(2A) of the Act which relates to electricity which was generated by a generating station which, at the time

the electricity was generated, was directly and exclusively connected to a transmission or distribution network in Northern Ireland, the operator of the generating station has provided the Authority with evidence of the quantity, date and period of time during the particular month when the electricity from eligible renewable sources was generated by the generating station, and the Authority is satisfied with such evidence;

- (h) SROCs in respect of the relevant electricity generated by the generating station in the particular month have not already been issued; and
  - (i) the Authority has not refused to issue a SROC on any of the grounds set out in paragraph (12).
- (11) Where a SROC, if issued, will be issued to an electricity supplier pursuant to paragraph (8) (a) or (8)(b), the references in paragraph (10)(c) to the operator of the generating station shall be treated as references to that electricity supplier; but paragraph (10)(c)(iii) shall not apply.
- (12) The Authority may refuse to issue a SROC in any case where the Authority—
- (a) is not satisfied as to the reliability or accuracy of the information being presented to it in relation to the issue of the SROC;
  - (b) except in the case of a SROC certifying the matters within section 32B(2A) of the Act, considers that the declaration in paragraph (10)(c) is not accurate in relation to the electricity in respect of which the Authority is considering issuing the SROC;
  - (c) except in the case of a SROC certifying the matters within section 32B(2A) of the Act, has reason to believe that the electricity in respect of which the Authority is considering issuing the SROC was consumed in circumstances which resulted in the electricity not having been supplied by an electricity supplier to customers in Great Britain; or
  - (d) is not satisfied that the operator of the generating station has, during the relevant month, complied with any condition to which accreditation of the relevant generating station is subject.
- (13) Where it issues SROCs pursuant to this article the Authority shall—
- (a) determine the amount of electricity which is to be regarded as having been generated from eligible renewable sources by a generating station in a particular month (“the relevant month”) and, in determining that amount, it shall use, in the case of the amounts for “gross output” and “input electricity” (as those two expressions are defined in article 12(5)) the most accurate figures for those amounts which are known to or estimated by the Authority at the end of the second month following the end of the relevant month and it shall disregard any changes to those figures after the end of the said second month and article 12 shall have effect subject to this sub-paragraph;
  - (b) deduct from the amount determined in accordance with sub-paragraph (a) any electricity in respect of which in the relevant month any of the criteria in paragraph (10) were not satisfied;
  - (c) determine the amount of electricity which results from the calculations in sub-paragraphs (a) and (b) and round the amount so determined to the nearest megawatt hour (with any exact half megawatt hour being rounded upwards); and
  - (d) issue SROCs appropriate to the amount of electricity determined pursuant to sub-paragraph (c) to the operator of the generating station or to the electricity supplier in accordance with paragraphs (7) and (8) and in determining the number of SROCs which it is appropriate to issue proceed on the basis that one SROC represents one megawatt hour of electricity.
- (14) The Authority shall issue SROCs pursuant to this article in relation to a generating station in respect of each month of each obligation period in which electricity has been generated by the generating station from eligible renewable sources (whether or not for the whole of that month) and

SROCs in respect of a particular month (“the relevant month”) shall be issued no earlier than the end of the second month following the end of the relevant month.

- (a) (15) (a) This paragraph applies to generating stations with a declared net capacity of 50 kilowatts or less (“sub-50 kilowatt stations”).
- (b) The operator of a sub-50 kilowatt station may–
  - (i) not less than one month before the beginning of the first month (“the relevant month”) in respect of which the operator requests the issue of SROCs in respect of electricity generated by the relevant station; or
  - (ii) not less than one month before the beginning of any obligation period (“the relevant obligation period”),give notice in writing to the Authority that its entitlement to SROCs in respect of electricity generated by that station (“the relevant station”) shall be determined on the basis set out in the remainder of this paragraph.
- (c) Sub-paragraph (d) shall apply–
  - (i) where an operator has given notice as specified in paragraph (15)(b)(i), in the case of the relevant station for the remainder of the obligation period during which the relevant month falls and subsequent obligation periods; and
  - (ii) where an operator has given notice as specified in paragraph (15)(b)(ii), in the case of the relevant station for the relevant obligation period and subsequent obligation periods.
- (d) Where this sub-paragraph applies, the reference to “month” in each place where it occurs in articles 2(1) (definition of biomass) 4, 5, 10, 11 and 12 and Schedule 2 shall be taken to be a reference to “obligation period”, subject to the following exceptions–
  - (i) in article 4(13)(a) the references to “the second month” and to “the said second month” shall remain unchanged;
  - (ii) in article 4(14) the words “of each month” shall be omitted, and the reference to “the end of the second month” shall remain unchanged; and
  - (iii) in paragraph 2(b)(i) of Schedule 2 the words “the month and year” shall be replaced by “the obligation period”.
- (e) An operator who has given notice under sub-paragraph (b) may–
  - (i) if that notice was given under paragraph (15)(b)(i), not less than 1 month before the beginning of any obligation period following the obligation period during which the relevant month falls; or
  - (ii) if that notice was given under paragraph (15)(b)(ii), not less than 1 month before the beginning of any obligation period following the relevant obligation period,by notice in writing to the Authority, withdraw the notice given under sub-paragraph (b).
- (f) Where an operator gives notice under sub-paragraph (e) the Authority shall, from the beginning of the obligation period in respect of which the operator gave that notice, determine the operator’s entitlement to SROCs in respect of electricity generated by the relevant station on the basis set out in paragraph (14) above.